

ORDER OF HON. BRYAN D. GARRUTO, J.S.C.
SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY SUPERIOR COURT
LAW DIVISION: MIDDLESEX COUNTY
1 JFK SQUARE, P.O. BOX 964
NEW BRUNSWICK, NJ 08903
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FILED
MAR 23 2007
BRYAN D. GARRUTO, J.S.C.

MELISSA KAYE BROWN and
GLENN ALLEN BROWN

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5446-05 MT

Plaintiffs.

CIVIL ACTION

vs.

This Order also applies to the following
Docket Nos.: MID-L-6209-05 MT, MID-L-
6227-05 MT, and MID-L-7291-05 MT

JOHNSON & JOHNSON, JOHNSON &
JOHNSON PHARMACEUTICAL
RESEARCH & DEVELOPMENT, LLC,
and ORTHO-MCNEIL PHARMACEUTICAL,
INC.

**ORDER TO DECLASSIFY
DOCUMENTS SUBJECT
TO A STIPULATED
PROTECTED ORDER OF
CONFIDENTIALITY**

Defendants.

THIS MATTER having been opened by Plaintiffs Melissa Kaye Brown and Glenn Allen Brown on their Motion to De-Designate Defendants Johnson & Johnson, Johnson & Johnson Pharmaceutical Research & Development, LLC and Ortho-McNeil Pharmaceutical, Inc.'s "Protected" Document Designations, and for good cause shown:

ON THIS 23rd DAY OF MARCH, 2007;

IT IS ORDERED that the five within documents provided to the plaintiffs during discovery subject to either the *Lilly* Protective Order or the Multi-District Litigation ("MDL")

Order entered by the N.D. Ohio are hereby de-designated as "Protected". The following documents, which are attached to the Opinion accompanying this Order, are hereby de-designated:

1. Document page numbers POEPOE05293286-POE05293288; POE05293242-POE05293243, Attached as Exhibit 10 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations. (Attached to the Court's Opinion as "Exhibit A")
2. Document page numbers POE05286980-POE005286986, Attached as Exhibit 11 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations. (Attached to the Court's Opinion as "Exhibit B")
3. Document page numbers POE05306871-POE05306873, Attached as Exhibit 13 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations. (Attached to the Court's Opinion as "Exhibit C")
4. Document page numbers POE05307256-POE05307258, Attached as Exhibit 14 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations. (Attached to the Court's Opinion as "Exhibit D")
5. Document page numbers POE05307256-POE05307258, Attached as Exhibit 15 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations. (Attached to the Court's Opinion as "Exhibit E")

AND IT IS ORDERED that the supplemental briefs to the extent they reference the five documents are declassified within 10 (ten) days of this Order;

AND IT IS FURTHER ORDERED that a copy of this Order shall be served upon all parties within seven (7) days of the date herein.



THE HON. BRYAN D. GARRUTO, J.S.C.

SUPERIOR COURT OF NEW JERSEY

CHAMBERS OF
BRYAN D. GARRUTO
JUDGE



MIDDLESEX COUNTY COURT HOUSE
P.O. BOX 964
NEW BRUNSWICK, NEW JERSEY 08903 - 0964

MEMORANDUM OF DECISION ON MOTION

**TO: Jerrold S. Parker
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FILED

MAR 23 2007

BRYAN D. GARRUTO, J.S.C.

RE: *Brown v. Johnson & Johnson, et al.*, MID-L-5446-05 MT; This Opinion also applies to the following Docket Nos: MID-L-6209-05 MT, MID-L-6227-05, and MID-L-7291-5

NATURE OF MOTION: Motion to De-Designate Defendants' "Protected" Document Designations

Having carefully reviewed the moving papers, I have made the following determination:

This case arises out of one of 309 mass tort cases centralized in the Superior Court of New Jersey, the plaintiffs alleging personal injuries caused by use of the Ortho Evra® birth control patch. The Ortho Evra® birth control patch is manufactured by, and/or developed by, and/or trademarked by defendants Johnson & Johnson, Johnson & Johnson Pharmaceutical Research & Development, LLC, and/or Ortho-McNeil Pharmaceutical, Inc. ("the defendants" or "Johnson & Johnson").



Pursuant to the Ortho Evra® birth control patch litigation, the defendants produced nearly six (6) million pages of documents, all of which were universally stamped as “Protected Document. Document Subject to Protective Order.” On February 1, 2006, both plaintiffs and defendants agreed to sign and be bound by the terms of a Stipulated Protective Order of Confidentiality, which was signed by Magistrate Judge Patty Shwartz in the United States District Court for the District of New Jersey in an Ortho Evra® case captioned *Lydia M. Lilly v. Johnson & Johnson, et al.* (hereinafter the “*Lilly Protective Order*”). Subsequently thereafter, the parties entered into another Stipulated Protective Order of Confidentiality in connection with Ortho Evra® birth control patch Multi-District Litigation in the Northern District of Ohio, Western Division, which was signed by Judge David Katz on April 19, 2006 (hereinafter the “*MDL Protective Order*”).

To date, no protective orders in this case have been entered by any judge of the Superior Court of New Jersey, although documents have been filed with this court under seal and purportedly subject to one of the two consensual protective orders. While no New Jersey Court Rule specifically provides for a stipulated protective order, Comment 3 to New Jersey Court R. 1:2-1 suggests that a stipulated protective order – similar to the two orders entered into by the parties in this matter – is permitted in limited instances. That comment provides: “If there is no presumption of public access of unfiled documents, then sealing can be accomplished by stipulation of the parties who, if they are able to agree, can avoid a protective-order proceedings.” Pressler, *Current N.J. Court Rules*, Comment 3 on R. 1:2-1 (2007).

Both the *Lilly Protective Order* and the *MDL Protective Order* contain agreements that potentially cover the declassification of the documents in this matter. The *Lilly Protective Order* specifically states, in relevant part: “This Stipulated Protective Order of Confidentiality shall not

be construed as a waiver by any party of the right to contest the designation of documents as “PROTECTED” under this Stipulated Protective Order of Confidentiality.” (*Lilly* Protective Order, at ¶2). The MDL Protective Order also provides similar language: “This Stipulated Protective Order of Confidentiality shall not be construed as a waiver by any party of the right to contest the designation of documents as ‘PROTECTED’ under this Stipulated Protective Order of Confidentiality.” (MDL Protective Order, at ¶1). The MDL Protective Order further provides that: “[T]o the extent that a document designated as “PROTECTED” under this Order has been produced in another action and determined by a court of competent jurisdiction not to be confidential, then said document will be considered non-confidential and non-protected for purposes of this litigation.” (MDL Protective Order, at ¶1).

Where there is a stipulated protective order between parties and where no “good cause” finding to protect those documents was made by the Superior Court of New Jersey, a trial judge may review the documents for “good cause” *de novo*. Comment 3 to *R. 1:2-1* provides guidance on that issue:

Where, ... a good-cause finding must be made, the question arises as to whether sealing can be accomplished by a consent order entered without judicial determination of the good-cause issue. Although the issue was unaddressed by [the New Jersey Supreme Court in] *Frankl*, it would seem that a consent order so entered should have no greater status than a stipulation and that on an access application by a non-party, the court would not be bound by the consent order but would, rather, be obliged to make a good-cause determination *de novo*.

Here, because both the *Lilly* Protective Order and the MDL Protective Order give the parties the right to challenge the “protected” designations, and because Comment 3 to *R. 1:2-1* permits this court to make “good cause” determinations where none were previously made, this court will review the five contested documents *de novo*.

Litigation documents produced in connection with a case filed in the Superior Court of New Jersey¹ fall into either one of two categories: (1) “filed” or (2) “unfiled”. “Filed” documents refer to those documents submitted to the court as attachments to briefs or certifications in connection with “pre-trial non-discovery motions” such as summary judgment motions or motions to dismiss. *Hammock by Hammock v. Hoffmann-LaRoche, Inc.*, 142 N.J. 356, 380-81 (1995). “Unfiled” documents produced during discovery that are either subject to a stipulated or judicially-determined protective order are not presumed to be public. *Id.* at 380. *See also* R. 4:10-3(g)(stating “Neither vacation nor modification of the protective order, however, establishes a public right of access to unfiled discovery materials.”) Further, discovery that has not been used by the parties in court proceedings or in support of outcome-determinative motions is considered “unfiled”. *Id.*

While New Jersey law recognizes a common-law “presumption of public access to documents and materials *filed* with a court in connection with civil litigation”, that right of access is “not absolute”. *Id.* at 375 (emphasis added). “The universal understanding in the legal community is that *unfiled documents in discovery are not subject to public access.*” *Estate of Frankl v. Goodyear Tire and Rubber Co.*, 181 N.J. 1, 10 (2004)(referencing *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984))(other citations omitted)(emphasis added). In maintaining the distinction between “unfiled” and “filed” documents, the *Hammock* Court recognized “that there must continue to be confidentiality of materials submitted in the discovery process.” *Hammock, supra*, 142 N.J. at 379. Based on that notion, the Supreme Court maintained that “discovery delivered to a plaintiff’s counsel under a protective order is not subject to public access as long

¹ In all but two states, the distinction between unfiled and filed documents dictates their accessibility to the public. *Frankl, supra*, 181 N.J. at 11 (stating “Only two states arguably provide for public access of unfiled discovery, and only upon a showing that public health and safety or the administration of public office are implicated. *Fla. Stat. Ann.* § 69.081; *Tex. R. Civ. P.* 76a (2)(c)”).

as it remains in the private domain of plaintiff's counsel." *Id.* (referencing *Bank of America Nat. Trust and Sav. Ass'n v. Hotel Rittenhouse Associates*, 800 F.2d 339, 343 (3d Cir. 1986)).

Absent a stipulated agreement between parties to designate documents as "protected", a court must decide whether there exists proper grounds to enter a protective order in a particular matter. Pursuant to R. 4:10-3(g), a trial judge must determine whether "good cause" exists. While that rule does not define what constitutes "good cause", New Jersey law sets forth criteria a court can use to analyze documents. First, the court will determine whether the documents contain trade secrets, which will almost always be protected. If not, then the court will consider six other factors enunciated below.

In *Hammock*, the Supreme Court discussed the spectrum of evidence that may or may not be subject to a protective order suggesting a sliding scale of protected information. First, the court will almost always protect trade secrets. Quoting Comment b of the *Restatement of Torts* § 757 (1939), the Supreme Court held that it would protect a trade secret, defined as:

any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. *Hammock, supra*, 142 N.J. at 383 (referencing *Smith v. BIC Corp.*, 869 F.2d 194, 199 (3d Cir.1989) and (quoting *Restatement of Torts* § 757 comment b (1939))).

Conversely, the *Hammock* court found that the following information would not be protected as trade secrets: "'information that is in the public domain or which has been 'reverse engineered,' - i.e., garnered by beginning with the finished product and determining the process used to manufacture it'" *Id.* (citing *Smith, supra*, 869 F.2d at 199-200).

Below the status of trade secrets is confidential and proprietary information.

"Confidential information and proprietary information are not entitled to the same level of

protection from disclosure as trade secret information.” *Hammock, supra*, 142 N.J. at 383 (referencing *Littlejohn v. Bic Corp.*, 851 F.2d 673, 685 (3d Cir. 1988)). The *Hammock* Court adopted factors enunciated by the Third Circuit in *SI Handling Systems, Inc. v. Heisley*, 753 F.2d 1244, 1256 (3d Cir. 1985) to consider whether “good cause” existed to maintain the protection of a protective order:

(1) the extent to which the information is known outside of the owner’s business; (2) the extent to which it is known by employees and others involved in the owner’s business; (3) the extent of measures taken by the owner to guard the secrecy of the information; (4) the value of the information to the owner and to his competitors; (5) the amount of effort or money expended by the owner in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. *Hammock, supra*, 142 N.J. at 384. (citations omitted).

The Supreme Court in *Frankl*, also addressed a similar issue of document designation. In that case, the Supreme Court recommended the issue of unfiled discovery to the Civil Practice Committee to address whether the court should “maintain the position that unfiled discovery is insulated from forced public access or whether changes are warranted in that approach, and if so, what those changes should entail.” *Frankl, supra*, 181 N.J. at 12. The Court in *Frankl* suggested the Civil Practice Committee consider the following questions:

Whether unfiled discovery should be immune from public access, presumptively immune, or accessible on the same terms as filed discovery; if accessible, how the burden of going forward and the burden of proof should be allocated; whether some refinement of the good cause standard is in order; and whether there should be some limitation on the public’s right of access after the settlement of a case. Those questions are posed by way of example and not limitation. *Frankl, supra*, 181 N.J. at 12.

The Civil Practice Committee considered the Supreme Court in *Frankl*’s concerns.

Subsequently, R. 4:10-3 was amended to include the following paragraph:

When a protective order has been entered pursuant to this rule, either by stipulation of the parties or after a finding of good cause, a non-party may, on a proper showing pursuant to R. 4:33-1 or R. 4:33-2, intervene for the purpose of challenging the protective order on the ground that there is no good cause for the continuation of the order or portions

thereof. Neither vacation nor modification of the protective order, however, establishes a public right of access to unfiled discovery materials.

The effect of this amendment is to permit a non-party to intervene to challenge the parties' needs for a protective order. In such cases, the intervenor bears the burden of proof to show that there exists no "good cause" to continue the protective order. This amendment nevertheless maintained a parties' right to agree to keep documents private. Thus, even if a court grants a non-party intervenor's motion to vacate the parties' protective order, the parties to the lawsuit can still agree to keep the documents produced in discovery confidential and do not have to turn over the unfiled documents to the public. This is not the issue before the court, however, as the plaintiffs are seeking declassification of documents produced pursuant to a protective order of which they were a signatory.

In the present matter, neither party has filed the five documents with the court in conjunction with a pre-trial, non-discovery motion. For that reason, the proponent of the protective order (here, the defendants) need not prove by a preponderance of the evidence that Johnson & Johnson's continued interest in confidentiality outweighs the public interest in disclosure. Unlike in *Hammock*, where the defendants filed two motions for summary judgment and attached as exhibits documents subject to a protective order, the parties in this litigation did not seek to use the protected documents in support of any pre-trial, non-discovery motion. *Hammock, supra*, 142 N.J. at 363. Rather, the documents filed with this court were attached as exhibits in support of plaintiff's motion to declassify certain documents subject to a protective order. For that reason, the documents – although technically filed with the court – will be considered "unfiled" for purposes of declassification and the assumptive right of public access will not govern the court's determination of their declassification.

In the present matter, Plaintiffs seek to declassify the following five documents:

1. Document page numbers POEPOE05293286-POE05293288; POE05293242-POE05293243, Attached as Exhibit 10 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations. (hereinafter "Document #1")

A. This document reflects an email correspondence entitled "ORTHO EVRA Domain Names", which is dated Nov. 20, 2005 and Nov. 21, 2005. In this email correspondence, Asha Mahesh, of Janus, requested the email recipient conduct a search of the following domain names to see if they were already owned:

- thePatchkills.com, -.net, -.biz
- thePatchStinks.com, -.net, -.biz, -.org
- Badpatch.com
- BadEvra.com
- BadOrthoEvra.com
- Dontusepatch.com
- DontuseOrthoEvra.com
- OrthoEvraRisks.com
- OrthoEvraLawsuit.com
- OrthoEvraInjuries.com
- OrthoEvraSafety.com
- Patchsideeffects.com
- DeathPatch.com, -.net, -.org, -.biz
- AboutBirthControlPatch.com, -.net, -.biz, -.org
- ThePatchTruth.org, -.com, -.net, -.biz
- AboutOrthoEvra.com, -.net, -.biz, -.org

The email involved the purchase of these domain names and whether Johnson & Johnson would also seek to purchase the domain names that were already owned.

B. The second document attached as Exhibit 10 is entitled: "ORTHO EVRA Interactive programs/ Defensive actions to minimize impact of negative presence:" This document identifies nine actions for minimizing the negative presence of information about the Ortho Evra® birth control patch as it relates to the internet. The actions suggest/discuss the following:

- (1) The purchase of "top key words" related to the Ortho Evra® patch on various search engines, including Yahoo!, Google, and Overture.
- (2) Strategies for optimizing a natural search of various words related to the Ortho Evra® birth control patch.

- (3) Building an unbranded website listing “key information” about Ortho Evra®, a process that was already in progress at the time of the memorandum.
 - (4) The development of “educational” and informational materials to be “webcasted” through the leading syndicate of health content on the web, called “Healthology”.
 - (5) Buying “negative” URLs, namely those referenced in the emails discussed *supra*.
 - (6) Google’s trademark policy providing that only trademark owners can use a product’s trademark in the body of their advertisement.
 - (7) “Desk sides” with key media, such as monthly magazines, health websites, etc.
 - (8) The monitoring of blogs wherein representatives of Johnson & Johnson would respond to postings thereon.
 - (9) Updating the orthoevra.com press section to include news releases and other information that would be helpful to the press.
2. Document page numbers POE05286980-POE005286986, Attached as Exhibit 11 to Plaintiff’s Appendix in Support of Her Motion to De-Designate Defendants’ “Protected” Document Designations (hereinafter “Document #2”).
- A. This document contains an email correspondence, dated July 22, 2005, between Georgia Lehnert and Heidi Youngkin regarding the purchase of various domain names involving the Ortho Evra® birth control patch. The email discussed the purchase of various forms of the following domain names:
- Orthoevrakills.com, - .biz, - .info, - .net, - .org, - .ca
 - Orthoevratruth.com, - .biz, - .info, - .net, - .org, - .ca
 - Orthoevralies.com, - .biz, - .info, - .net, - .org, - .ca
 - Aboutorthoevra.com, - .biz, - .info, - .net, - .org, - .ca
 - Orthoevraproblems.com, - .biz, - .info, - .net, - .org, - .ca
 - Orthoevradangers.com, - .biz, - .info, - .net, - .org, - .ca
 - Orthoevrainfo.com, - .biz, - .info, - .net, - .org, - .ca
 - Deathpatch.com, - .biz, - .info, - .net, - .org, - .ca
 - Deathbypatch.com, - .biz, - .info, - .net, - .org, - .ca
 - Deadlypatch.com, - .biz, - .info, - .net, - .org, - .ca
 - Patchthatkills.com, - .biz, - .info, - .net, - .org, - .ca
 - Patchsucks.com, - .biz, - .info, - .net, - .org, - .ca
 - Patchtruth.com, - .biz, - .info, - .net, - .org, - .ca
 - Patchlies.com, - .biz, - .info, - .net, - .org, - .ca
 - Patchproblems.com, - .biz, - .info, - .net, - .org, - .ca

- Patchdangers.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchinfo.com, - .biz, -.info, -.net, -.org, -.ca
3. Document page numbers POE05306871-POE05306873, Attached as Exhibit 13 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations (hereinafter "Document #3").
- A. This document consists of an email correspondence between a domain name purchase representative [name not on email – "DNrequest" is listed in the "from" column] and Georgia Lehnert and Asha Mahesh dated Dec. 8, 2005, indicating Johnson & Johnson successfully registered the following domain names:
- Orthoevrasucks.com, - .biz, -.info, -.net, -.org, -.ca
 - Orthoevrakills.com, - .biz, -.info, -.net, -.org, -.ca
 - Orthoevratruth.com, - .biz, -.info, -.net, -.org, -.ca
 - Orthoevralies.com, - .biz, -.info, -.net, -.org, -.ca
 - Aboutorthoevra.com, - .biz, -.info, -.net, -.org, -.ca
 - Orthoevraproblems.com, - .biz, -.info, -.net, -.org, -.ca
 - Orthoevradangers.com, - .biz, -.info, -.net, -.org, -.ca
 - Orthoevrainfo.com, - .biz, -.info, -.net, -.org, -.ca
 - Deathpatch.biz, -.info, -.net, -.org, -.ca (NOT -.com)
 - Deathbypatch.com, - .biz, -.info, -.net, -.org, -.ca
 - Deadlypatch.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchthatkills.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchsucks.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchtruth.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchlies.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchproblems.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchdangers.com, - .biz, -.info, -.net, -.org, -.ca
 - Patchinfo.biz, -.info, -.net, -.org, -.ca (NOT -.com)
 - ThePatchkills.com, -.net, -.biz
4. Document page numbers POE05307256-POE05307258, Attached as Exhibit 14 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations (hereinafter "Document #4").
- A. This document consists of an email correspondence between Georgia Lehnert and Cheryl Callan, dated Nov. 18, 2005-Nov. 23, 2005, indicating the need to purchase the following domain names before a person or company unrelated to Johnson & Johnson does so.
- ThePatchkills.com, - .biz, -.info, -.net, -.org, -.ca
 - Thepatchstinks.com, - .biz, -.info, -.net, -.org, -.ca

- thePatchtruth.com, - .biz, -.info, -.net, -.org, -.ca
- Deathpatch.com, -.biz, -.info, -.net, -.org, -.ca
- Orthoevrakills.com, - .biz, -.info, -.net, -.org, -.ca
- Orthoevrasucks.com, - .biz, -.info, -.net, -.org, -.ca
- Orthoevratruth.com, - .biz, -.info, -.net, -.org, -.ca
- Evratruth.com, - .biz, -.info, -.net, -.org, -.ca
- evrakills.com, - .biz, -.info, -.net, -.org, -.ca
- evrasucks.com, - .biz, -.info, -.net, -.org, -.ca
- birthcontrolpatchkills.com, - .biz, -.info, -.net, -.org, -.ca
- birthcontrolpatchsucks.com, - .biz, -.info, -.net, -.org, -.ca
- birthcontrolpatchtruth.com, - .biz, -.info, -.net, -.org, -.ca
- thebirthcontrolpatchkills.com, - .biz, -.info, -.net, -.org, -.ca
- thebirthcontrolpatchsucks.com, - .biz, -.info, -.net, -.org, -.ca
- theorthoevrpatchkills.com, - .biz, -.info, -.net, -.org, -.ca
- theorthoevrpatchsucks.com, - .biz, -.info, -.net, -.org, -.ca
- orthoevrpatchkills.com, - .biz, -.info, -.net, -.org, -.ca
- orthoevrpatchsucks.com, - .biz, -.info, -.net, -.org, -.ca
- orthoevrpatchtruth.com, - .biz, -.info, -.net, -.org, -.ca
- aboutorthoevra.com, - .biz, -.info, -.net, -.org, -.ca
- aboutbirthcontrolpatch.com, - .biz, -.info, -.net, -.org, -.ca

5. Document page numbers POE05307256-POE05307258, Attached as Exhibit 15 to Plaintiff's Appendix in Support of Her Motion to De-Designate Defendants' "Protected" Document Designations (hereinafter "Document #5").

A. This document consists of an email correspondence, dated Nov. 21, 2005, between Asha Mahest, Tracey Bogart and Georgia Lehnert discussing plans to make a PO [uncertain whether it is a "public offer", "purchase order", or something else] for the following domain names that were already owned by someone other than J&J:

- patchinfo.com
- orthoevra.info
- deathpatch.com
- patchinfo.org

After considering these five documents pursuant to the factors enunciated by the Supreme Court in *Hammock*, this court determines that those documents are not subject to protection. Documents #1, #2, #3, #4, and #5 reflect numerous email correspondences between representatives of both Johnson & Johnson and an internet domain name company. The content of those email exchanges included inquiries by Johnson & Johnson representatives to see if

various forms of domain names related to the Ortho Evra® birth control patch were available for purchase, the subsequent purchase of various domain names, as well as the bids to obtain domain names that were already owned by persons or entities unrelated to Johnson & Johnson.

In considering the *Hammock* factors to determine “good cause”, the court will consider the following factors:

1. **The extent to which the documents contain trade secrets.** *Hammock, supra*, 142 N.J. at 384. These five email conversations do not reference trade secrets. In addition, no information in the email correspondences can be classified as ‘proprietary’.

2. **“The extent to which the information is known outside of the owner’s business.”** *Id.* The ownership of domain names is public information and, as such, Johnson & Johnson cannot claim that its discussions to purchase domain names relating to the Ortho Evra® birth control patch are proprietary information awarded protection under the law. *Id.*

3. **“The extent to which it is known by employees and others involved in the owner’s business”.** *Id.* These email conversations were among several employees in Johnson & Johnson. None of the messages were marked “confidential” in either the subject headings or through the email program used to send them.

4. **“The extent of measures taken by the owner to guard the secrecy of the information”.** *Id.* Because the emails were sent around as “unclassified” messages to various employees at Johnson & Johnson and because the nature of the emails relates to information that is public in nature, the court is not persuaded that Johnson & Johnson took measures to keep the information contained in the emails “secret”.

5. **The “value of the information to the owner and to his competitors”.** *Id.* Information about the purchase of domain names related to the Ortho Evra® birth control patch

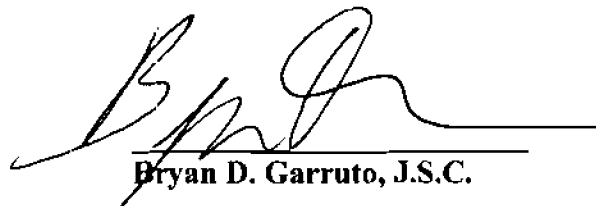
is of little to no value to Johnson & Johnson's competitors, as Johnson & Johnson owns the exclusive rights to that trademarked name.

6. **"The amount of effort or money expended by the owner in developing the information".** *Id.* The information contained in the emails was not "developed" by researchers nor was money expended in developing the information contained in the emails.

7. **"The ease or difficulty with which the information could be properly acquired or duplicated by others".** *Id.* Information regarding who or what company owns a website is public information. A search executed by this court on the website: <http://whois.domaintools.com/> of the URL "orthoeverasucks.com" shows that Johnson & Johnson owns the website. (See attached Exhibit F). The search also shows other websites owned by Johnson & Johnson, many of which are included in the email correspondences that are the subject of this opinion. Therefore, because such information is publicly available, it cannot be considered proprietary by this court.

For the foregoing reasons, plaintiffs' motion to declassify the five documents is **granted**. This court will declassify the five documents discussed in this opinion. The supplemental briefs to the extent they reference the five protected document are also declassified at the same time. Attached to this Opinion are the five documents that are now declassified. This Order is effective 10 days after the date hereof.

DATED: March 23, 2007



Bryan D. Garruto, J.S.C.

COURT'S EXHIBIT

A

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Attorneys for Plaintiffs

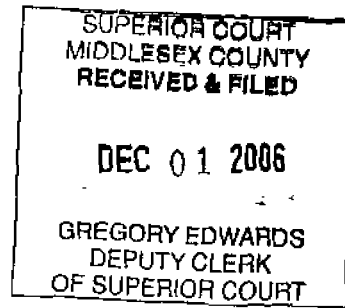
MELISSA KAYE BROWN and
GLENN ALLEN BROWN,

Plaintiffs,

vs.

JOHNSON & JOHNSON, JOHNSON &
JOHNSON PHARMACEUTICAL
RESEARCH & DEVELOPMENT, LLC. and
ORTHO-MCNEIL PHARMACEUTICAL,
INC.

Defendants.



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5446-05

Civil Action

This Appendix also applies to the following
Docket Nos.: MID-L-6209-05, MID-L-6227-
05, and MID-L-7291-05

SUBMITTED UNDER SEAL
ENCLOSED DOCUMENTS SUBJECT TO
PROTECTIVE ORDER OF
CONFIDENTIALITY

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION TO
DE-DESIGNATE DEFENDANTS' "PROTECTED" DOCUMENT DESIGNATIONS**

**CLERK'S
ORIGINAL**

Return to the
Mass. Court Office

Attached
as
Exhibit
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To: Mahesh, Asha [JANUS]
Subject: RE: ORTHO EVRA Domain Names

Asha,
Would like to purchase all the domain names that are available.
Would also like to see if we could get Deathpatch.com. Can you give me an indication of what the possible cost would be.

-----Original Message-----

From: Mahesh, Asha [JANUS]
Sent: Monday, November 21, 2005 9:58 AM
To: Lehnert, Georgia [OMP]
Subject: FW: ORTHO EVRA Domain Names

Are we interested in buying some of the unavailable ones from the current registrants?

The available ones are free for first time registration and \$32/year from renewal.

Please let me know.

Can you please provide the business case, contact, operating company and priority required to process the registration.

Please fill out the below "Domain Name Request Form" if you are interested in registering the domain names.

Domain:	
Requesting Operating Company:	
Billing Operating Company:	
English Translation:	
Contact:	
Business Case:	
Priority:	

Thanks

-----Original Message-----

From: DNrequest [GPCUS]
Sent: Sunday, November 20, 2005 10:53 AM
To: Mahesh, Asha [JANUS]
Subject: ORTHO EVRA Domain Names

Dear Asha Mahesh,

Below are the results of the domain name search you requested.

Domain Name	Available
thePatchKills.com	Yes
thePatchKills.net	Yes

thePatchKills.biz	Yes
thePatchKills.org	Yes
thePatchStinks.com	Yes
thePatchStinks.net	Yes
thePatchStinks.biz	Yes
thePatchStinks.org	Yes
BadPatch.com	No
BadEvra.com	Yes
BadOrthoEvra.com	Yes
DontUsePatch.com	Yes
DontUseOrthoEvra.com	Yes
OrthoEvraRisks.com	Yes
OrthoEvraLawsuit.com	No
OrthoEvraInjuries.com	No
OrthoEvraSafety.com	Yes
PatchSideEffects.com	Yes
DeathPatch.com	No
DeathPatch.net	Yes
DeathPatch.org	Yes
DeathPatch.biz	Yes
AboutBirthControlPatch.com	Yes
AboutBirthControlPatch.net	Yes
AboutBirthControlPatch.biz	Yes
AboutBirthControlPatch.org	Yes
ThePatchTruth.com	Yes
ThePatchTruth.net	Yes
ThePatchTruth.biz	Yes
ThePatchTruth.org	Yes
AboutOrthoEvra.com	Yes
AboutOrthoEvra.net	Yes
AboutOrthoEvra.biz	Yes
AboutOrthoEvra.org	Yes

Please fill out the below "Domain Name Request Form" if you are interested in registering the domain names.

Domain:	
Requesting Operating Company:	
Billing Operating Company:	
English Translation:	
Contact:	
Business Case:	
Priority:	

Please let me know if you would like to potentially purchase these unavailable domain names from

the current registrant. If so, please provide a PO number with the maximum budget. Please keep in mind that these purchases are not guaranteed until we have the domain name in our possession. They can range from hundreds to thousands of dollars and some registrants do not have any intention on selling their domain names.

Tracy Bogert | Sr. Administrative Assistant
Phone 908.704.4169 Fax 908.725.5761

Global Pharmaceutical Communications Division
Johnson & Johnson Pharmaceutical Services, L.L.C.
700 Route 202 South Raritan, NJ 08869

ORTHO EVRA Interactive programs

Defensive actions to minimize impact of negative presence:

- 1- **Paid Search:** Buy 5 top key words for #1, #2 and #3 positions in Yahoo, Google and Overture. 2 weeks ago, estimated cost per month was about \$30K. Agency looking at latest estimates. Would need to hit 2005 budget. #1 ranking to go to OrthoEvra.com; #2 to unbranded website and #3 to OWH.com
- 2- **Organic Search:** Optimize natural search to increase our rankings. Implement SEO on ORTHOEVRA.com, unbranded web site, OWH.com and potentially on international OE sites. Cost: approximately \$45K.
- 3- Build **unbranded website** with key information about ORTHO EVRA. Factual information about the label change. Already started working with Napco on this. Expect to see mockup later this week. Goal would be to have five mid- December. No cost, unless we decide to buy pictures/images to put on site.
- 4- **Healthology webcast:** Healthology is the leading syndicator of health content on the web. They develop content and distribute it to a network of over 4,600 sites such as abc.com, cnn.com etc... These sites look to Healthology as a valuable source of health content. Healthology to work with our KOL to create educational webcasts (about 3 to 5 minutes each) as well as "ask your doctor" patient handouts. The webcasts will be distributed, featured and promoted through Healthology's partner network (not only extensive in size but also have a strong presence on major search engines). Total cost: \$121K.
- 5- **Buy negative URLs:** Bids were put in. Estimated cost: between \$8 and \$10K. Awaiting confirmation that urls we agreed to bid on this Summer were actually already purchased.
- 6- **Google Trademark policy.** Google has a policy that only trademark owners can use the product's trademark in the body of their ads. Several law firms currently using the ORTHO EVRA trademark. Sending letter to Google to alert them of this.
- 7- **Desk sides** with key media (monthly magazines, health websites and targeted general information websites such as ivillage.com etc...).
- 8- **Blog monitoring** – consider responding to large blogs. Acknowledge existence of blogs on our unbranded website and provide facts that addresses issues raised. (you may have read this and this, here are the

facts...)

- 9- ORTHOEVRA.com: update press section on our site to include press releases as well as any information that could be helpful to media. Do the same on the Hispanic site.

COURT'S EXHIBIT

B

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Attorneys for Plaintiffs

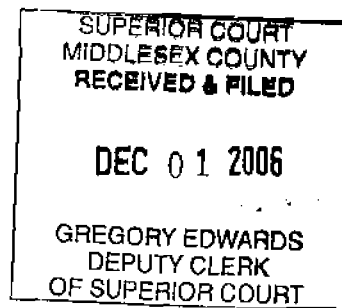
MELISSA KAYE BROWN and
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5446-05

Civil Action

This Appendix also applies to the following
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05, and MID-L-7291-05

SUBMITTED UNDER SEAL
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CONFIDENTIALITY

Attached as
Exhibit
11

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION TO
DE-DESIGNATE DEFENDANTS' "PROTECTED" DOCUMENT DESIGNATIONS**

CLERK'S
ORIGINAL
Return to the
Mass. Ct. Office

From: Lehnert, Georgia [OMP]
Sent: Friday, July 22, 2005 2:46 PM
To: Youngkin, Heidi [GPCUS]
Cc: Blasco, Kara [GPCUS]
Subject: FW: OMP DN's - ORTHO EVRA
Importance: High
Attachments: Ortho Evra URLs.doc

Heidi,
What would entail acquiring the names attached (time and dollars associated).
Thanks!
Georgia

-----Original Message-----
From: Young, Lisa [mailto:Lisa_Young@deutschinc.com]
Sent: Friday, July 22, 2005 2:43 PM
To: Lehnert, Georgia [OMP]
Cc: Laughlin, Kate
Subject: RE: OMP DN's - ORTHO EVRA

Hi Georgia-

Attached is a list of URL's that you can consider for purchase in light of the recent press. As a note, for any version with Ortho Evra in the URL, you can also consider listing it as ortho-evra. Please let me know if you have any questions.

Thanks,
Lisa

-----Original Message-----
From: Lehnert, Georgia [OMP] [mailto:GLEhnert@ompus.jnj.com]
Sent: Friday, July 22, 2005 1:13 PM
To: Young, Lisa
Subject: RE: OMP DN's - ORTHO EVRA

I really need it asap. Please send me the list prior to 3PM today.
Thanks.

-----Original Message-----
From: Young, Lisa [mailto:Lisa_Young@deutschinc.com]
Sent: Friday, July 22, 2005 12:07 PM
To: Lehnert, Georgia [OMP]
Subject: RE: OMP DN's - ORTHO EVRA

Georgia,

We are working on this list and will send you something later on today.

Thanks,
Lisa

-----Original Message-----
From: Lehnert, Georgia [OMP] [mailto:GLEhnert@ompus.jnj.com]
Sent: Wednesday, July 20, 2005 2:50 PM
To: Young, Lisa
Subject: FW: OMP DN's - ORTHO EVRA

1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT
TO PROTECTIVE ORDER.

POE 05286980

Can you provide me with a recommended list? Would be good if we could have this asap.

Thanks!

Georgia

REDACTED



1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT
TO PROTECTIVE ORDER.

POE 05286981

REDACTED



1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT
TO PROTECTIVE ORDER.

POE 05286982

REDACTED



1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT
TO PROTECTIVE ORDER.

POE 05286983

Ortho Evra – URL List

Orthoevrasucks.com
Orthoevrasucks.biz
Orthoevrasucks.info
Orthoevrasucks.net
Orthoevrasucks.org
Orthoevrasucks.ca

Orthoevrakills.com
Orthoevrakills.biz
Orthoevrakills.info
Orthoevrakills.net
Orthoevrakills.org
Orthoevrakills.ca

Orthoevratruth.com
Orthoevratruth.biz
Orthoevratruth.info
Orthoevratruth.net
Orthoevratruth.org
Orthoevratruth.ca

Orthoevralies.com
Orthoevralies.biz
Orthoevralies.info
Orthoevralies.net
Orthoevralies.org
Orthoevralies.ca

Aboutorthoevra.com
Aboutorthoevra.biz
Aboutorthoevra.info
Aboutorthoevra.net
Aboutorthoevra.org
Aboutorthoevra.ca

Orthoevraproblems.com
Orthoevraproblems.biz
Orthoevraproblems.info
Orthoevraproblems.net
Orthoevraproblems.org
Orthoevraproblems.ca

Orthoevradangers.com
Orthoevradangers.biz

Orthoevrangers.info
Orthoevrangers.net
Orthoevrangers.org
Orthoevrangers.ca

Orthoevrainfo.com
Orthoevrainfo.biz
Orthoevrainfo.info
Orthoevrainfo.net
Orthoevrainfo.org
Orthoevrainfo.ca

Deathpatch.com
Deathpatch.biz
Deathpatch.info
Deathpatch.net
Deathpatch.org
Deathpatch.ca

Deathbypatch.com
Deathbypatch.biz
Deathbypatch.info
Deathbypatch.net
Deathbypatch.org
Deathbypatch.ca

Deadlypatch.com
Deadlypatch.biz
Deadlypatch.info
Deadlypatch.net
Deadlypatch.org
Deadlypatch.ca

Patchthatkills.com
Patchthatkills.biz
Patchthatkills.info
Patchthatkills.net
Patchthatkills.org
Patchthatkills.ca

Patchsucks.com
Patchsucks.biz
Patchsucks.info
Patchsucks.net
Patchsucks.org
Patchsucks.ca

Patchtruth.com
Patchtruth.biz
Patchtruth.info
Patchtruth.net
Patchtruth.org
Patchtruth.ca

Patchlies.com
Patchlies.biz
Patchlies.info
Patchlies.net
Patchlies.org
Patchlies.ca

Patchproblems.com
Patchproblems.biz
Patchproblems.info
Patchproblems.net
Patchproblems.org
Patchproblems.ca

Patchdangers.com
Patchdangers.biz
Patchdangers.info
Patchdangers.net
Patchdangers.org
Patchdangers.ca

Patchinfo.com
Patchinfo.biz
Patchinfo.info
Patchinfo.net
Patchinfo.org
Patchinfo.ca

COURT'S EXHIBIT

C

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Jason Mark
Melanie H. Muhlstock
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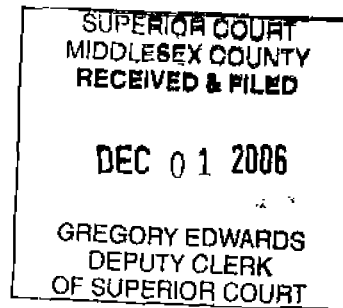
MELISSA KAYE BROWN and
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5446-05

Civil Action

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05, and MID-L-7291-05

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Attached as
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13 →

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION TO
DE-DESIGNATE DEFENDANTS' "PROTECTED" DOCUMENT DESIGNATIONS**

**CLERK'S
ORIGINAL**

Return to the
Mass. Ct. Office

From: DNrequest [GPCUS]
Sent: Thursday, December 08, 2005 6:08 PM
To: Lehnert, Georgia [OMP]; Mahesh, Asha [JANUS]
Subject: Domain Name Confirmation

Dear Georgia Lehnert and Asha Mahesh,

I am pleased to report that Johnson & Johnson has registered following domain names:

orthoevrasucks.com
orthoevrasucks.biz
orthoevrasucks.info
orthoevrasucks.net
orthoevrasucks.org
orthoevrasucks.ca
orthoevrakills.com
orthoevrakills.biz
orthoevrakills.info
orthoevrakills.net
orthoevrakills.org
orthoevrakills.ca
orthoevratruth.com
orthoevratruth.biz
orthoevratruth.info
orthoevratruth.net
orthoevratruth.org
orthoevratruth.ca
orthoevralies.com
orthoevralies.biz
orthoevralies.info
orthoevralies.net
orthoevralies.org
orthoevralies.ca
aboutorthoevra.com
aboutorthoevra.biz
aboutorthoevra.info
aboutorthoevra.net
aboutorthoevra.org
aboutorthoevra.ca
orthoevraproblems.com
orthoevraproblems.biz
orthoevraproblems.info
orthoevraproblems.net
orthoevraproblems.org
orthoevraproblems.ca
orthoevradangers.com
orthoevradangers.biz
orthoevradangers.info
orthoevradangers.net
orthoevradangers.org
orthoevradangers.ca
orthoevrainfo.biz
orthoevrainfo.info
orthoevrainfo.net
orthoevrainfo.org

orthoevrainfo.ca
deathpatch.biz
deathpatch.info
deathpatch.net
deathpatch.org
deathpatch.ca
deathbypatch.com
deathbypatch.biz
deathbypatch.info
deathbypatch.net
deathbypatch.org
deathbypatch.ca
deadlypatch.com
deadlypatch.biz
deadlypatch.info
deadlypatch.net
deadlypatch.org
deadlypatch.ca
patchthatkills.com
patchthatkills.biz
patchthatkills.info
patchthatkills.net
patchthatkills.org
patchthatkills.ca
patchsucks.com
patchsucks.biz
patchsucks.info
patchsucks.net
patchsucks.org
patchsucks.ca
patchtruth.com
patchtruth.biz
patchtruth.info
patchtruth.net
patchtruth.org
patchtruth.ca
patchlies.com
patchlies.biz
patchlies.info
patchlies.net
patchlies.org
patchlies.ca
patchproblems.com
patchproblems.biz
patchproblems.info
patchproblems.net
patchproblems.org
patchproblems.ca
patchdangers.com
patchdangers.biz
patchdangers.info
patchdangers.net
patchdangers.org
patchdangers.ca
patchinfo.biz
patchinfo.info
patchinfo.ca
thepatchkills.com
thepatchkills.net
thepatchkills.biz

thepatchkills.org
thepatchstinks.com
thepatchstinks.net
thepatchstinks.biz
thepatchstinks.org
dontusepatch.com
dontuseorthoenvra.com
orthoenvrarisks.com
orthoenvrasafety.com
patchsideeffects.com
deathpatch.net
deathpatch.org
deathpatch.biz
aboutbirthcontrolpatch.com
aboutbirthcontrolpatch.net
aboutbirthcontrolpatch.biz
aboutbirthcontrolpatch.org
Thepatchtruth.com
thepatchtruth.net
thepatchtruth.biz
thepatchtruth.org
aboutorthoenvra.com
aboutorthoenvra.net
aboutorthoenvra.biz
aboutorthoenvra.org

These names have been placed on the J&J servers with NCS. If the sites are to point to something, then you can contact NCS at extdnsregs@ncsus.inj.com and provide them with the information. If these are not the servers your team is working with, please let me know so I can correct the WHOIS reports.

For live website use, guidelines and procedures please contact WICO at http://thepulse.inj.com/portal/inj/thepulse/wico_main

If there is anything more I can do for you, please let me know.

Tracy Bogert | Sr. Administrative Assistant
Phone 908.704.4169 Fax 908.725.5761

Global Pharmaceutical Communications Division
Johnson & Johnson Pharmaceutical Services, L.L.C.
700 Route 202 South Raritan, NJ 08869

COURT'S EXHIBIT

D

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Attorneys for Plaintiffs

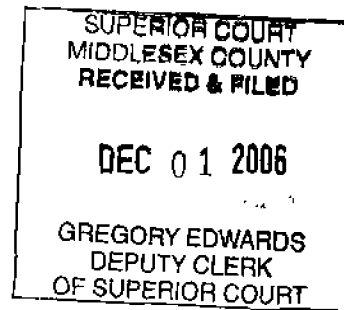
MELISSA KAYE BROWN and
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vs.

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RESEARCH & DEVELOPMENT, LLC. and
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5446-05

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**CLERK'S
ORIGINAL**

Return to the
Mass. Trial Office

From: Lehnert, Georgia [OMP]
Sent: Wednesday, November 23, 2005 8:48 AM
To: Callan, Cheryl [OMP]
Subject: RE: domain

I am a list from Deutsch that we provided to GPC for purchase this summer. I will forward to you on a separate message. These below were just additional names.

-----Original Message-----

From: Callan, Cheryl [OMP]
Sent: Tuesday, November 22, 2005 4:13 PM
To: Lehnert, Georgia [OMP]
Subject: RE: domain

Did you ask Deutsch for help on this?
It seems complete, but I'm sure there's more....

-----Original Message-----

From: Lehnert, Georgia [OMP]
Sent: Friday, November 18, 2005 11:35 AM
To: Mahesh, Asha [JANUS]
Cc: Hanlon, Michael T. [OMP]; Leonard, Jacopo [OMPUS]; Schargel, Howard [OMP]; Callan, Cheryl [OMP]
Subject: RE: domain
Importance: High

Asha,

We need to buy the following uris before someone else does. Can you find out if they are available and what the cost would be. Also, please advise on other names that you would recommend.

Mike, Howard, Cheryl and Jac, if you think of any names, please advise.

Thanks.

1/7/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT
TO PROTECTIVE ORDER

Thepatchkills.com ; net; biz and org
the patchstinks.com; net; biz and org
thepatchtruth.com; net; biz and org
deathpatch.com; net; biz and org
orthoevrakills.com; net; biz and org
orthoevrasucks.com; net; biz and org
orthoevratruth.com ; net; biz and org
evratruth.com; net; biz and org
evrakills.com ; net; biz and org
evrasucks.com; net; biz and org
birthcontrolpatchkills.com; net; biz and org
birthcontrolpatchsucks.com; net; biz and org
birthcontrolpatchtruth.com; net; biz and org
thebirthcontrolpatchkills.com; net; biz and org
thebirthcontrolpatchsucks.com; net; biz and org
theorthoevrapatchkills.com; net; biz and org
theorthoevrapatchsucks.com; net; biz and org
orthoevrapatchkills.com; net; biz and org
orthoevrapatchsucks.com; net; biz and org
orthoevrapatchtruth.com; net; biz and org
aboutorthoevra.com; net; biz and org
aboutbirthcontrolpatch.com; net; biz and org

— Original Message —

From: Mahesh, Asha [JANUS]

Sent: Friday, November 18, 2005 11:22 AM

To: Lehnert, Georgia [OMP]

Subject: domain

Here it is:

1/7/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT

Asha Mahesh
North American Centers of Excellence
(609)-730-2588
amahesh@janus.jnj.com

Confidentiality Notice: This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual or entity named in the e-mail address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please reply to the sender, so that Johnson & Johnson can arrange for proper delivery, and then please delete the message from your inbox. Thank you.

1/7/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT
TO PROTECTION OF 35 USC

COURT'S EXHIBIT

E

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Jason Mark
Melanie H. Muhlstock
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Attorneys for Plaintiffs

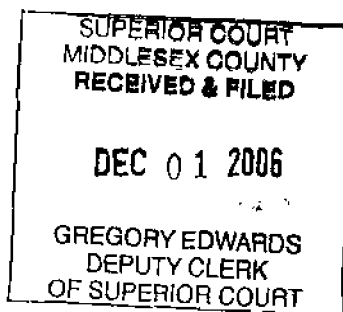
MELISSA KAYE BROWN and
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vs.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-5446-05

Civil Action

This Appendix also applies to the following
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05, and MID-L-7291-05

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DE-DESIGNATE DEFENDANTS' "PROTECTED" DOCUMENT DESIGNATIONS**

**CLEAR'S
ORIGINAL**

Return to the
Mass. Trial Office

7-15-05
8000 SERIES

To: DNrequest [GPCUS]; Mahesh, Asha [JANUS]
Subject: RE: OMP DN's - ORTHO EVRA

Tracy,
Yes, going one at a time is fine.

-----Original Message-----
From: DNrequest [GPCUS]
Sent: Monday, November 21, 2005 1:55 PM
To: Lehnert, Georgia [OMP]; Mahesh, Asha [JANUS]
Subject: RE: OMP DN's - ORTHO EVRA

Georgia,
To confirm, you will open a PO for \$4000 for the 4 names below.
Priority:

1. patchinfo.com
2. orthoevra.info
3. deathpatch.com
4. patchinfo.org

It is best to pursue these purchases one at a time. If patchinfo.com is more than \$1000 but less than \$4000 are you still interested in purchasing it? Is \$1000 the maximum per name?

Regards,
Tracy Bogert

-----Original Message-----
From: Lehnert, Georgia [OMP]
Sent: Monday, November 21, 2005 1:49 PM
To: Mahesh, Asha [JANUS]; DNrequest [GPCUS]
Cc: Bogert, Tracy [GPCUS]
Subject: RE: OMP DN's - ORTHO EVRA

Let's do that. For priority: #1: patchinfo.com; #2: orthoevra.info and #3 deathpatch.com
Thanks!
Georgia

-----Original Message-----
From: Mahesh, Asha [JANUS]
Sent: Monday, November 21, 2005 1:28 PM
To: Lehnert, Georgia [OMP]; DNrequest [GPCUS]
Cc: Bogert, Tracy [GPCUS]
Subject: RE: OMP DN's - ORTHO EVRA

Georgia,

Do you want to add deathpatch.com to PO at this time?

Asha

-----Original Message-----
From: Lehnert, Georgia [OMP]
Sent: Monday, November 21, 2005 12:42 PM
To: DNrequest [GPCUS]

1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT

Cc: Mahesh, Asha [JANUS]; Bogert, Tracy [GPCUS]
Subject: RE: OMP DN's - ORTHO EVRA

Can you give me an idea of what an acceptable dollar figure would be for me to bid. I would like to purchase them. If we start with \$4,000 as a maximum bid for the purchase of all 4 names below (so about \$1,000 a piece) do you think I have a shot? Please advise about process. In terms of priority Orthoevrainfo.com nad patchinfo.com would be my highest priority. So would start with these two and see how much we would need to pay to get them. I will provide you with a PO number shortly.
Thanks.
Georgia

-----Original Message-----

From: DNrequest [GPCUS]
Sent: Monday, November 21, 2005 12:34 PM
To: Lehnert, Georgia [OMP]
Subject: RE: OMP DN's - ORTHO EVRA

Georgia,

The following names are not available:

orthoevrainfo.com
patchinfo.com
patchinfo.net
patchinfo.org

Please let me know if you would like to potentially purchase these unavailable domain names from the current registrant. If so, please provide a PO number with the maximum budget. Please keep in mind that these purchases are not guaranteed until we have the domain name in our possession. They can range from hundreds to thousands of dollars and some registrants do not have any intention on selling their domain names.

-----Original Message-----

From: Lehnert, Georgia [OMP]
Sent: Monday, November 21, 2005 10:33 AM
To: Bogert, Tracy [GPCUS]; Youngkn, Heidi [GPCUS]
Cc: Mahesh, Asha [JANUS]
Subject: FW: OMP DN's - ORTHO EVRA
Importance: High

Heidi,

1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT

2005 11/21/2005

We are in the process of purchasing some additional URL for OE. When I got a list of all the url we already owned, I did not see all the names that we had agreed to purchase back in July. Can you provide an update on this.

If they were purchased already, as they should have been, can you provide a list of what we own and what was not available. Also, can you please confirm that we were billed on this already, as our budgets are really tight and I was assuming this had already been covered.

Thanks.

Georgia

-----Original Message-----

From: Youngkin, Heidi [GPCUS]

Sent: Friday, July 22, 2005 5:25 PM

To: Lehnert, Georgia [OMP]

Subject: RE: OMP DN's - ORTHO EVRA

Will put it through now, and they'll start on it next week.

-----Original Message-----

From: Lehnert, Georgia [OMP]

Sent: Friday, July 22, 2005 3:53 PM

To: Youngkin, Heidi [GPCUS]

Subject: RE: OMP DN's - ORTHO EVRA

let's go ahead and get them

Thanks!

Georgia

-----Original Message-----

From: Youngkin, Heidi [GPCUS]

Sent: Friday, July 22, 2005 3:17 PM

To: Lehnert, Georgia [OMP]

Subject: RE: OMP DN's - ORTHO EVRA

Georgia,

It's pretty straightforward.

It takes about 1 - 1/2 weeks to process and acquire the names, if there are no trademark issues. I looked at your list, and the only name that might require trademark review is "deathpatch". The rest look okay, so we could get the rest of them pretty quickly as soon as you've given the go ahead. Deathpatch might take longer -- we'd have to get back to you after the Law Department looks at it.

The cost for these is low -- ~\$36/ each url for a two year registration (which is our norm).

Please let me know if you want to get them, and we'll submit them to the Trademark Law Department.

Thanks,

Heidi

-----Original Message-----

1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT

From: Lehnert, Georgia [OMP]
Sent: Friday, July 22, 2005 2:46 PM
To: Youngkin, Heidi [GPCUS]
Cc: Biasco, Kara [GPCUS]
Subject: FW: OMP DN's - ORTHO EVRA
Importance: High

Heidi,
What would entail acquiring the names attached
(time and dollars associated).
Thanks!

Georgia

-----Original Message-----

From: Young, Lisa [mailto:Lisa_Young@deutschinc.com]
Sent: Friday, July 22, 2005 2:43 PM
To: Lehnert, Georgia [OMP]
Cc: Laughlin, Kate
Subject: RE: OMP DN's - ORTHO EVRA

Hi Georgia-

Attached is a list of URL's that you can consider for purchase in light
of the recent press. As a note, for any version with Ortho Evra in the
URL, you can also consider listing it as ortho-evra. Please let me
know if you have any questions.

Thanks,
Lisa

-----Original Message-----

From: Lehnert, Georgia [OMP]
[mailto:GLEhnert@ompus.jnj.com]
Sent: Friday, July 22, 2005 1:13 PM
To: Young, Lisa
Subject: RE: OMP DN's - ORTHO EVRA

I really need it asap. Please send me the list
prior to 3PM today.
Thanks.

-----Original Message-----

From: Young, Lisa
[mailto:Lisa_Young@deutschinc.com]
Sent: Friday, July 22, 2005 12:07 PM
To: Lehnert, Georgia [OMP]
Subject: RE: OMP DN's - ORTHO EVRA

Georgia,

We are working on this list and will send you something
later on today.

Thanks,
Lisa

-----Original Message-----

From: Lehnert, Georgia [OMP]
[mailto:GLEhnert@ompus.jnj.com]
Sent: Wednesday, July 20, 2005 2:50 PM
To: Young, Lisa
Subject: FW: OMP DN's - ORTHO EVRA

1/5/2006

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1/5/2006

PROTECTED DOCUMENT. DOCUMENT SUBJECT

COURT'S EXHIBIT

F

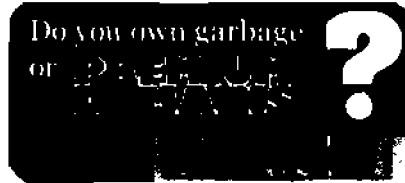
launches **Psychic Whois**
AJAXified

Welcome **Guest!** [Login/Join](#)

[Whois orthoevrasucks.com](#) > [Domain Suggestions](#) > [For Sale](#) > [Auctions](#) > [Advanced Auctions](#) > [Domain Search](#) > [Domain Monitor](#)
[Domain Directory](#) [Ping](#) > [Traceroute](#) > [My IP Address](#) [Cheap Domain Name Registration](#) [Bulk Check](#) [more >](#)
Power Tools: [Reverse IP](#) [Domain History](#) [Mark Alert](#) [Name Server Spy](#) [Advanced Auction](#) [XML API](#)

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ORTH
HOE
V
RA
SUCKS

DomainTools Blog: GoDaddy Girl Candice Michelle - Posted 4 days ago

[Next](#) ▶

Whois for Orthoevrasucks.com (Ort Hoe v Ra Sucks)

Front Page Information

Record Type: Domain Name

Other TLDs

[Toggle Key](#)

[.com](#) [.net](#) [.org](#) [.info](#) [.biz](#) [.us](#)

Server Data

SSL Cert: No valid SSL on this Host

Website Status: No Website

Customize This Page

Select the items you want to be shown on this page. [Login](#) to save preferences.

- ☒ Front Page ☒ Indexed Data
☒ Server Data ☒ Registry Data
☒ Exclusive Data

Registry Data

ICANN Registrar: NETWORK SOLUTIONS, LLC.

Created: 22-nov-2005

Expires: 22-nov-2007

Registrar Status: [ok](#)

Whois Server: whois.networksolutions.com

Name Server: NS3.INJ.COM

Backorder

Set a [backorder](#) so you can own orthoevrasucks.com when it becomes available.

Domains At Auction

Domain	Auction Date
WorcesterSucks.com	03-14-2007
ChengduSucks.com	03-14-2007
ReligionBites.com	03-14-2007
BlowsCock.com	03-14-2007
JamiSucks.com	03-15-2007
TitanicSucks.com	03-16-2007
UsImmigrationSucks.com	03-16-2007
CrescentCityBites.com	03-16-2007

Compare Similar Domains

Domain	Creation
Orthoexam.com	2004-01-19
Orthoex.com	2004-02-26
Orthoevrasideeffects.com	2005-07-18

Message

NetworkSolutions

Your e-mail can be read by anyone - secure it today! [Go](#)

Whois Record

Registrant:

Johnson & Johnson
 One Johnson & Johnson Plaza
 New Brunswick, NJ 08933
 US

Domain Name: ORTHOEVRASUCKS.COM

Administrative Contact:

Johnson & Johnson
 One Johnson & Johnson Plaza
 New Brunswick, NJ 08933
 US
 +001.7325243245 fax: +001.7325246341

Technical Contact:
 Johnson & Johnson NCS
 1003 US Hwy. 202 N
 Raritan, NJ 08869
 US
 1 800 900 2555 fax: 1 908 655 4126

Record expires on 22-Nov-2007.
 Record created on 22-Nov-2005.

Domain servers in listed order:

NS1.JNJ.COM 148.177.2.10
 NS3.JNJ.COM 148.177.130.197
 NS5.JNJ.COM 148.177.219.1

Orthoevrasolutions.com	2005-09-27
Orthoevrasucks.com	2005-11-22
Orthoevratruth.com	2005-11-22
Orthoevrasafety.com	2005-11-22
Orthoevrisks.com	2005-11-22
Orthoevrastrakes.com	2005-12-08
Orthoevrasideeffectslawsu...	2006-01-06
Orthoevrasuit.com	2006-01-24
Orthoevrasite.com	2006-03-09
Orthoevrawire.com	2006-03-11
Orthoevrawarning.com	2006-03-21
Orthoevvarisk.com	2006-03-21
Orthoevrastroke.com	2006-03-21
Orthoevrasettlement.com	2006-05-06
Orthoexc.com	2006-06-22
Orthoevrs.com	2006-12-05
Orthoevrg.com	2006-12-28



Members Area | Hosting Metrics | Stock Ticker | Download | Domain Registration | Whois | Domain Suggestions | Site Map;